

**ACT 250 NOTICE**  
**APPLICATION 4C0824-4A**  
**SITE VISIT, PREHEARING CONFERENCE, HEARING**  
**10 V.S.A. §§ 6001 - 6111**

On January 15, 2021, Rice Lumber Company, Inc. and Rice Realty, Inc. filed an Act 250 application for a project generally described as a subdivision to create Lots 4A and 5A in the Rice Lumber PUD; PUD lot line adjustments; and extraction of approximately 78,200 CY of rock to remain and be re-graded within the PUD project site, and to be removed off-site. The project includes drilling and blasting over a ± 35-day duration and is located at 4188 Shelburne Road in Shelburne, Vermont. This project will be evaluated by the District 4 Environmental Commission in accordance with the 10 environmental criteria of 10 V.S.A., § 6086(a). The application was deemed complete on February 3, 2021 after the receipt of supplemental information.

Pursuant to Act 250 Rules 16 and 20, the Commission is convening an online prehearing conference (“PHC”). A PHC, in summary, has narrow goals and is designed to identify the parties and the issues. The PHC will be followed by the issuance of a Prehearing Conference Report and Order (“PHCRO”) which will prescribe informational filing requirements, and the preliminary party status rulings.

**Note to Prospective Parties:** Pursuant to Vermont statute and Act 250 Rules, any person seeking to participate as a party to this proceeding **MUST** make such a party status request “on or before the first prehearing conference.” Accordingly, all prospective parties are obligated to log in or call into the PHC scheduled below, or to file a written party status petition in advance to the Commission at [NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov). **Failure to timely appear on the PHC call or video conference call, or to timely file a written request by the date of the PHC, thereafter bars a person from participating as a party in the proceeding, and any such person will thereafter lack legal standing to appeal any decision on this matter made by the District Commission. Due to the coronavirus (COVID-19) State of Emergency, all prospective parties are asked to supply an email address, a street address, and a mailing address to the District Commission by email ([NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov)) for receiving service of notices on the proceedings.**

A site visit, prehearing conference, and merits hearing are hereby scheduled to convene:

**In-Person Site Visit:** Monday, March 15, 2021, 8:30 AM  
at 4188 Shelburne Road, Shelburne, VT  
See Site Visit Instructions, Below

**Virtual Prehearing Conference:** Monday, March 15, 2021 at 1:00 PM  
via Microsoft Teams (see below)

**Virtual Hearing:** Friday, March 26, 2021 at 9:00 AM  
via Microsoft Teams (details to follow, i.e. Prehearing Conference Report and Order, to be issued after the Prehearing, to include deadline to file supplemental evidence (if any): Wednesday March 24, 2021, 4:30 PM)

**Site Visit Instructions:** All site visit participants shall be required to observe the following [protocol](#) prior to, and during the site visit:

- a. Prior to the site visit, all potential attendees **must confirm in writing, which may be via email** to the District Coordinator ([kirsten.sultan@vermont.gov](mailto:kirsten.sultan@vermont.gov)), that they will abide by this protocol.
- b. No more than 25 people may attend the site visit.
- c. If any portion of the site visit will be conducted inside, all occupancy limits established by the Agency of Commerce and Community Development must be followed even if that results in a limit of less than 25 people. See <https://accd.vermont.gov/content/maximum-retail-occupant-load-during-covid-19> (last visited June 10, 2020).
- d. No one may attend the site visit who has displayed [any of the symptoms of COVID-19 recognized by the Vermont Department of Health](#). No earlier than 24 hours prior to the appointment, all attendees must take their own temperatures to determine whether they have a temperature of 100.4 degrees Fahrenheit or greater. If requested, attendees must submit to a temperature test with a no-contact thermometer.
- e. No one may attend the site visit if they have had contact with a person diagnosed with COVID-19 unless they have self-quarantined for 14 days following such contact or 7 days followed by a negative COVID-19 test.
- f. No one may attend the site visit if they must travel from any location from which visitors to Vermont are required to self-quarantine unless they have self-quarantined for either 14 days or 7 days followed by a negative COVID-19 test. A map of such locations can be found at the Agency of Commerce and Community Development's website. See <https://accd.vermont.gov/covid-19/restart/cross-state-travel> (last visited August 19, 2020)
- g. Everyone attending the site visit must observe strict social distancing of six feet.
- h. Everyone attending the site visit must wear face coverings over their nose and mouth when in the presence of others.
- i. Everyone attending the site visit must have access to either a hand washing station, consisting of soap and water, or hand sanitizer.
- j. Everyone attending the site visit must have completed a VOSHA-approved and employer-sponsored training program regarding COVID-19. Additional information about VOSHA-approved training may be found on the Vermont Agency of Commerce and Community Development's website. See <https://accd.vermont.gov/covid-19/business/restart> (last visited May 21, 2020).
- k. No more than three people shall occupy any single vehicle traveling to or from the site visit.
- l. Everyone attending the site visit must refrain from touching communal objects, including but not limited to site plans, unless they are cleaned and disinfected between each touch.

**Virtual Prehearing Conference Instructions:** Due to the coronavirus (COVID-19), this prehearing conference will necessarily be conducted **remotely** via **Microsoft Teams video conferencing software**. **To receive a Microsoft Teams invitation via email, please e-mail the District**

**Coordinator ([kirsten.sultan@vermont.gov](mailto:kirsten.sultan@vermont.gov)) no later than Thursday March 11, 2021 at 4:30 PM.** If you are unable to participate using the Microsoft Teams platform, you may still call in to the conference with the following information:

- **Dial:** 802-828-7667
- **Enter Conference ID:** 716 439 16#

**Prehearing Conference Preliminary Agenda:**

1. 12:55 PM: Conference line will be available to dial in by phone or sign in via Microsoft Teams.
2. 1:00 PM: Call to order by the Chair.
3. Attendance.
4. Applicant to provide brief overview of the application.
5. Preliminary party status and friends of the commission determinations.
6. Summary of preliminary issues and criteria involved.
7. Identify evidence, documents, witnesses, stipulations, and other offers of proof to be presented at a hearing by any party.
8. Discuss schedule for future proceedings.
9. Recess.

The following persons or organizations may participate in the hearing for this project:

1. **Statutory parties:** The municipality, the municipal planning commission, the regional planning commission, any adjacent municipality, municipal planning commission or regional planning commission if the project lands are located on a town boundary, and affected state agencies are entitled to party status.
2. **Adjoining property owners and others:** May participate as parties to the extent that they have a particularized interest that may be affected by the proposed project under the Act 250 Criteria.
3. **Non-party participants:** The District Commission, on its own motion or by petition, may allow others to participate in the hearing without being accorded party status.

Due to the coronavirus (COVID-19) State of Emergency, and the complications associated with live hearings, parties may waive their right to a live hearing, and instead agree to a process that allows for pre-filing written cross examination and rebuttal documents.

If you plan on participating in the prehearing conference on behalf of a group or organization, please submit the following to [NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov): 1) a written description of the organization, its purposes, and the nature of its membership (T.10, § 6085(c)(2)(B)); 2) documentation that prior to the date of the prehearing conference, you were duly authorized to speak for the organization; and 3) documentation that the organization has articulated a position with respect to the Project's impacts under specific Act 250 Criteria.

**If you would like further information regarding participation in this prehearing conference, please contact the District Coordinator ([kirsten.sultan@vermont.gov](mailto:kirsten.sultan@vermont.gov)) by no later than 4:30 PM on Monday, March 8, 2021.** If you have a disability for which you need accommodation in order to participate in this process (including participating in a public hearing, if one is held), please notify us as soon as possible, in order to allow us as much time as possible to accommodate your needs.

The members sitting on the District Commission for this project are: Thomas A. Little, Chair; Parker Riehle, Vice Chair; and Monique Gilbert, Member. If you feel that any of the District Commission members listed above may have a conflict of interest, or if there is any other reason why a member should be disqualified from sitting on this case, please contact the District Coordinator as soon as possible, and by no later than prior to the date of the first hearing or prehearing conference.

A copy of the application and plans for this project are available for review online at the Natural Resources Board web site (<http://nrb.vermont.gov>) by clicking on "Act 250 Database" and entering project number 4C0824-4A.

Dated this 25<sup>th</sup> day of February, 2021.

By: /s/ Kirsten Sultan  
Kirsten Sultan, District Coordinator  
802-751-0126  
[kirsten.sultan@vermont.gov](mailto:kirsten.sultan@vermont.gov)

## CERTIFICATE OF SERVICE

I hereby certify on this 25<sup>th</sup> day of February 2021, a copy of the foregoing ACT 250 NOTICE OF APPLICATION, SITE VISIT, PREHEARING CONFERENCE, AND HEARING #4C0824-4A, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

**Note:** any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to [NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov)

Rice Lumber Company, Inc. and Rice Realty, Inc.  
c/o Mr. James Carroll  
4088 Shelburne Road  
Shelburne, VT 05482  
[jim@ricelumber.com](mailto:jim@ricelumber.com)

David Marshall, PE/Billy Roberts  
Civil Engineering Associates, Inc.  
10 Mansfield View Lane  
South Burlington, VT 05403  
[dmarshall@cea-vt.com](mailto:dmarshall@cea-vt.com); [broberts@cea-vt.com](mailto:broberts@cea-vt.com)

Diana Vachon, Town Clerk  
Chair, Selectboard/Chair, Planning Commission  
Town of Shelburne  
PO Box 88  
Shelburne, VT 05482  
[dvachon@shelburnevt.org](mailto:dvachon@shelburnevt.org)

Chittenden County Regional Planning Commission  
c/o Charlie Baker, Exec. Dir.  
Regina Mahony, Planning Program Manager  
110 West Canal Street, Suite 202  
Winooski, VT 05404  
[permitting@ccrpcvt.org](mailto:permitting@ccrpcvt.org)

Elizabeth Lord, Land Use Attorney  
Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05602-3901  
[anr.act250@vermont.gov](mailto:anr.act250@vermont.gov)

Barry Murphy/Vt. Dept. of Public Service  
112 State Street, Drawer 20  
Montpelier, VT 05620-2601  
[barry.murphy@vermont.gov](mailto:barry.murphy@vermont.gov)  
[psd.vtdps@vermont.gov](mailto:psd.vtdps@vermont.gov)

Craig Keller/Jeff Ramsey/Christopher Clow  
VTrans Policy, Planning & Research Bureau  
Barre City Place  
219 N. Main Street  
Barre, VT 05641  
[aot.act250@vermont.gov](mailto:aot.act250@vermont.gov)

Vt. Agency of Agriculture, Food & Markets  
116 State Street, Drawer 20  
Montpelier, VT 05620-2901  
[AGR.Act250@vermont.gov](mailto:AGR.Act250@vermont.gov)

Division for Historic Preservation  
National Life Building, Drawer 20  
Montpelier, VT 05620  
[scott.dillon@vermont.gov](mailto:scott.dillon@vermont.gov)  
[james.duggan@vermont.gov](mailto:james.duggan@vermont.gov)  
[accd.projectreview@vermont.gov](mailto:accd.projectreview@vermont.gov)

### **FOR YOUR INFORMATION**

District #4 Environmental Commission  
Thomas Little, Chair  
Parker Riehle/Monique Gilbert  
111 West Street  
Essex Junction, VT 05452

Linda Bullard/Department of Libraries  
109 State Street  
Montpelier, VT 05609-0601  
[linda.bullard@vermont.gov](mailto:linda.bullard@vermont.gov)

NRCS, District Conservationist  
Natural Resources Conservation Service  
68 Catamount Park, Ste. B  
Middlebury, VT 05753  
[marybeth.whitten@vt.usda.gov](mailto:marybeth.whitten@vt.usda.gov)

Winooski NRCO Office  
617 Comstock Road, Suite 1  
Berlin, VT 05602  
[whiterivernrcd@gmail.com](mailto:whiterivernrcd@gmail.com)

Ethan Tapper, County Forester/FPR  
John Gobeille/Toni Mikula  
ANR/Dept. of Fish & Wildlife  
111 West Street  
Essex Junction, VT 05452  
[ethan.tapper@vermont.gov](mailto:ethan.tapper@vermont.gov)  
[john.gobeille@vermont.gov](mailto:john.gobeille@vermont.gov)  
[toni.mikula@vermont.gov](mailto:toni.mikula@vermont.gov)

Seven Days/Classified Ad Section  
255 South Champlain Street, PO Box 1164  
Burlington, VT 05402  
[classifieds@sevendaysvt.com](mailto:classifieds@sevendaysvt.com)

Green Mountain Power Corporation  
c/o Kim Jones  
163 Acorn Lane  
Colchester, VT 05446  
[kim.jones@greenmountainpower.com](mailto:kim.jones@greenmountainpower.com)

Vermont Gas Systems  
PO Box 467  
Burlington, VT 05402  
[efficiency@vermontgas.com](mailto:efficiency@vermontgas.com)

Efficiency Vermont  
128 Lakeside Ave., Suite 401  
Burlington, VT 05401  
[pics@veic.org](mailto:pics@veic.org)

Michael Barsotti, Water Quality Director  
Champlain Water District  
403 Queen City Park Road  
South Burlington, VT 05403  
[mike.barsotti@champlainwater.org](mailto:mike.barsotti@champlainwater.org)

### **ADJOINING LANDOWNERS**

Available via:  
<https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0824-4A/Application%20Documents/001a%20Act%20250%20Application%20Revised%202-3-21.pdf>

Dated at Essex Junction, Vermont, this 25<sup>th</sup> day of February, 2021.

/s/Christine Commo  
Natural Resources Board Technician  
879-5614  
[christine.commo@vermont.gov](mailto:christine.commo@vermont.gov)

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\4C0751-4C1000\4C0824\4C0824-4A\Published Documents\District Commission Documents\4C0824-4A cos.docx